

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SPACESAVER CORPORATION,

Plaintiff,

v.

THE MARVEL GROUP, INC.,

Defendant.

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ORDER

08-cv-354-slc

On December 17, 2008, this court held a telephonic hearing on defendant's motion to compel discovery. *See* Dkt. 58. Both sides were represented by counsel.

Having read all the parties' submissions and having discussed the disputes with both sides, I granted the motion to compel plaintiff to re-supply information in an electronic format after consultation between the appropriate people on how most efficaciously to make this happen. I denied without prejudice the request for more complete responses to defendant's interrogatories. A sharp dispute became apparent during the hearing as to what issues the parties believe are in play in this lawsuit, with defendant taking the position that plaintiff's prospective utility patents are fair game for discovery, with plaintiff disagreeing 100 percent. I directed the parties to meet and confer to attempt to achieve two goals: (1) To discern and define with specificity the major areas of dispute as to issues and discovery. Once this is done, either side may file a motion for court action on where the appropriate boundaries of discovery lie. (2)

Within the residuum of topics that are indisputably relevant, the parties must determine if there are additional responsive documents that plaintiff promptly can provide.

At this point, I am reserving a ruling on cost shifting under Rule 37(a) because it is not clear who ultimately will prevail in greater measure on these disputes.

Entered this 17<sup>th</sup> day of December, 2008.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge